THE HON'BLE MR. JUSTICE V.V.S. RAO

TUESDAY, THE 3rd DAY OF JANUARY, 2006

W.P.No. 27314 of 2005

Between:-

A. Krishnaiah and another.

--Petitioners

And

The Mandal Revenue Officer, Tirupathi (Rural) Mandal, Tirupathi, Chittoor district and three others.

--Respondents

THE HON'BLE MR. JUSTICE V.V.S. RAO

W.P.No. 27314 of 2005

:O R D E R:

The two petitioners are residents of Vedanthapuram Harijanawada (Avilala) in Tirupati rural mandal, Chittoor district. They along with others statedly occupied small portion of land in survey No. 227, Vedanthapuram revenue village and raised huts for residence. They also approached the Mandal Revenue Officer on number of occasions for grant of house site pattas and for providing civic amenities in the area. While the issue is pending before the Revenue Divisional Officer, the Mandal Revenue Officer allegedly came to the area and demolished all the huts thereby rendering the petitioners and others homeless. Therefore, they filed the present writ petition seeking a writ of Mandamus declaring the action of the first respondent in demolishing the huts of the petitioners and others raised in survey No.227 of Vedanthapuram village as illegal and arbitrary and violative of the fundamental rights under Articles 14 and 16 of the Constitution of India and a consequential direction to the respondents to provide house sites to the petitioners and other victims.

Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue (Assignment).

Learned Assistant Government Pleader, on instructions, submits that the representation submitted by the petitioners and others was inquired into and the Mandal Revenue Officer submitted a report to the District Collector vide letter dated 10-12-2005 for rejection of the request of providing house site pattas. He further states that the petitioners were never in possession and enjoyment of the land, that the petitioners along with others formed into an illegal group and are trying to

encroach upon the government land under the guise of espousing the cause of down trodden people. He further states that the land in survey No. 227 is classified as ‘water course Poramboke and vested in the government’ and, therefore, house site pattas cannot be granted.

If the land in survey No.227 is classified as ‘water course poramboke’, the said water body has to be preserved as such perennially and no house site patta can be granted on the said land. However, it is brought to the notice of this court that in Karkambadi village within the jurisdiction of rural mandal of Tirupathi (first respondent herein), Urban Housing Scheme for construction of ground plus three floors for providing houses to persons belonging to weaker sections has been taken up and if the petitioners approach the first respondent, their applications will be considered for allotment of houses.

Therefore, this writ petition is disposed of giving liberty to the petitioners to make an application to the first respondent within a period of ten days from today seeking allotment of houses in the Urban Housing Scheme project at Karkambadi. As and when such applications are made, the Mandal Revenue Officer, Tirupathi/Joint Collector, Chittoor district shall consider the applications duly considering the eligibility of the petitioners and allot houses to the petitioners.

The writ petition is, accordingly, disposed of. No costs.

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V.V.S. RAO, J

03-01-2006

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Nb:- Furnish c.c. by Friday i.e., 06-01-2006.

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